

## REMARKS/ARGUMENTS

After amendment, claims 1-35 are pending in the application. Claims 6 and 27 have been amended. The Examiner objected to claims 6-11. The Applicant gratefully appreciates the Examiner's acknowledgement that claims 12-16, 18-26, 28, and 29 are directed to allowable subject matter. Claims 30-35 have been added.

Claims 6-11 were objected to as being dependent on a rejected based claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 has been so amended to include the limitations of original claims 5 and 1, and Applicant respectfully submits that this claim is now in condition for allowance.

With respect to claims 7-11, the Applicant respectfully notes that the Examiner also objected to these claims, and that this objection was previously addressed by the Applicant. Claim 7 was previously amended in the Amendment filed on February 1, 2006 to include all the limitations of the base claim (claim 1), as well as claim 4 (in order to give antecedent basis to "the horizontal portions of the at least two lifting arms" in claim 7) and place objected-to claims 7-11 in condition for allowance.

Claim 27 is amended to recite the frame as including includes parts that are substantially fixed relative to each other, a feature not taught or suggested in any of the documents of record. Support for this amendment is found at ¶¶ [0026] and [0027].

New claim 30 is directed to a lifting apparatus including a frame that includes parts that are substantially fixed relative to each other, a feature not taught or suggested in any of the documents of record. Support for this amendment is found at ¶¶ [0026] and [0027].

New claims 31-34 depend from new claim 30 and are comparable to claims 2-5. Because of that dependency, claims 31-34 contain all of the features of independent claim 30. Therefore

claims 31-34 are also submitted to be patentably distinguishable over the documents of record.

Support for these amendments is found at ¶¶ [0027], [0028], [0030] and [0031].

New claim 35 is directed to a lifting apparatus including load bearing means including at least two vertical members and a horizontal member. Support for this amendment is found in ¶ [0027].

The Applicant hereby requests further examination and reconsideration of the application in view of the discussion below.

#### ***Claim Rejections – 35 USC § 102***

1. Claims 1, 3, 5, and 17 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,511,169 to Willis. Claim 1, and claims 3, 5, and 17, that depend therefrom are directed to a lifting apparatus.

2. With respect to claim 1, the Applicant respectfully submits that this claim is not anticipated by Willis because Willis fails to disclose every recited element. For example, the Examiner states that Willis discloses a frame which is the elevator 10 including plate 122. The Applicant respectfully disagrees that the plate 122 is a part of a frame 22 as set forth in the Applicant's specification (see ¶¶ [0026]-[0027]), and notes that based on the Examiner's interpretation, the entire device of Willis (the elevator 10) is a frame. Willis, however, states in column 3, lines 57-59:

“The elevator 10 is made up of five major components: a cam body 50, two jaws 70, a collar 100, and a plate assembly 120.”

Willis therefore discloses five distinct components of the elevator 10. As recited in the Applicant's claim 1, the frame is distinct from the lifting arms and from the central exertion member, and the lifting apparatus comprises these elements. It is respectfully submitted that

unlike Applicant's frame 22, the elevator 10 of Willis is not a distinct element, includes moving parts such as the cam body 50, jaws 70, and plate assembly 120, and does not meet the requirements of a frame as disclosed in the Applicant's application. Therefore, claim 1 is submitted to be patentably distinguishable over Willis and reconsideration and withdrawal of the 35 U.S.C. §102(b) rejection of independent claim 1 is respectfully requested.

3. With respect to claims 3, 5, and 17, these claims depend from allowable claim 1, including all of the limitations therein, and are therefore also allowable.
4. In addition, with respect to claim 17, the piston 124 and plate 122 of Willis differ from the Applicant's guide members 44. Applicant's guide members are "[c]entering guide members 44 [that] cause the lifter 20 to be centered on the cylinder 21." (See Applicant's ¶ [0027]). While Willis' plate 122 rests on the article, it does not include any structure that provides a guide. Accordingly, Willis does not disclose guide members and cannot anticipate claim 17.

***Claim Rejections – 35 USC § 103***

5. Claims 2 and 4 depend from allowable claim 1. Because of that dependency, claims 2 and 4 contain all of the features of independent claim 1. Therefore, claims 2 and 4 are also submitted to be patentably distinguishable over Willis in view of Reynolds (US 2,756,193) (claim 2) and Anderson (US 3,915,488) (claim 4). Reconsideration and withdrawal of the 35 U.S.C. § 103 rejections of claims 2 and 4 is respectfully requested.

6. With respect to claim 4, if the Examiner's assertion that the elevator 10 of Willis is a frame, the jaws 70 of Willis cannot pass outside the frame as recited in claim 4. The Examiner has not asserted that Anderson discloses a frame. Therefore, Willis in view of Anderson does not teach or suggest all elements of claim 4, and reconsideration and withdrawal of the 35 U.S.C. § 103 rejections of claim 4 is respectfully requested.

7. With respect to claim 27, claim 27 has been amended to recite the frame as including parts that are substantially fixed relative to each other, a claimed feature not taught or suggested by either Willis or Reynolds. Reconsideration and withdrawal of the 35 U.S.C. § 103 rejections of claim 4 is respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the apparatus and methods claimed in the present application are neither anticipated nor fairly taught or suggested by any of the references cited by the Examiner, either alone or in any reasonable combination suggested by the prior art. Reconsideration and withdrawal of the objections (addressed by amendment) and rejections, and allowance of claims 1-5, 6-11, 17, and 27, at an early date are respectfully requested, along with previously allowed claims 12-16, 18-26, 28, and 29.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

Respectfully submitted,

Date: 22 June 2006

By:   
Matthew W. Witsil  
Registration No. 47,183  
Moore & Van Allen PLLC  
Attorney for Applicant  
430 Davis Drive, P.O. Box 13706  
Research Triangle Park, NC 27709  
(919) 286-8000 (telephone)  
(919) 286-8199 (facsimile)